

REMARKS

Claims 1, 2, 4-11, 14-19, 21-26, and 28-32 remain rejected as being anticipated by *Schuster* (6,650,901). The applicants respectfully traverse that rejection.

The rejection turns on the claim limitation “triggering a query from a network element associated with the called party, the query requesting the location of the calling party”. That limitation is in the method embodiment of Claim 1, and a similar element appears in the system embodiment of independent Claim 17. The rejection asserts that *Schuster* anticipates that element of the claims. The applicants respectfully submit that *Schuster* does not anticipate that limitation and, indeed, teaches the opposite, namely, that the calling party itself triggers delivery of the location of that calling party.

The rejection cites column 9, lines 7-26 and 43-62 of *Schuster* as anticipating “triggering a query from...the called party, the query requesting the location of the calling party”. That excerpt, lines 14-17 in particular, does say that the location information of the phone 108a is received at a second device 108b “without any action required on the part of the caller (column 9, lines 16-17). However, the mere statement that location information is received without any action required by the called party is not a disclosure that the called party triggers a query requesting the location information.

The applicants can see why the examiner inferred, from *Schuster* that the location information is triggered by the calling party. After all, isn’t it logical to infer that if the location information is received without any action on the part of the caller, then the *callee* must have initiated or requested that information? However, *Schuster* itself effectively rebuts any such inference and makes clear that the caller’s telephone sends the location data.

Support for that teaching appears at column 14, lines 54-65 of *Schuster*. That passage discloses that the location information (stored in the caller telephone 208; column 14, lines 35-37) to the *callee* during a telephone connection. Alternatively, *Schuster* states that the location information transmitter (part of the caller telephone) may sense the location identifier during the call set up. That location information transmitter may send either the telephone location identifier data or voice or both when the media engine 241 (of the caller phone) senses that the user has dialed an emergency dispatch center. Further yet, lines 63-65 of *Schuster* say that the location information transmitter may also send the telephone location identifier data for all call initiations. Based on the foregoing, the applicants again respectfully submit that *Schuster* does not anticipate a method or a system including triggering a query from a network element associated with the called party and requesting the location of the calling party. To the contrary, *Schuster* teaches that the calling party initiates sending location data, either for 911 calls or for all calls initiated by the calling telephone. For this reason *Schuster* cannot anticipate the claims embodiments present in this application.

Claim 27 is rejected as unpatentable over *Schuster* in view of *Rayburn* (6,937,869). The examiner's discussion of this rejection asserts that "Dorenbosch" (sic.) teaches a system using a Wireless Application Protocol location system. The applicants are not certain whether *Rayburn* or *Dorenbosch* is the intended secondary reference in this rejection. In either case, the applicants traverse that rejection for the reason that *Schuster* fails to teach an element required by the parent of Claim 27, namely, returning the geographic location information to the called party in response to a query received from and launched by a trigger at the network element associated with the called party.

That element is missing from *Schuster*, as pointed out above. Accordingly, the claimed combination elements would not have obvious to one of ordinary skill, based on the applied art lacking that teaching.

The forgoing is submitted as a complete response the Office Action identified above. The applicants respectfully request the examiner to withdraw the rejections of record and to allow the claims in this application.

Respectfully submitted,

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